

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.
STATE ENGINEER and the
UNITED STATES OF AMERICA
and THE PUEBLO OF TAOS
as Intervenor

69cv07896-BB
RIO TAOS ADJUDICATION

Plaintiffs,

69cv07939-BB
RIO HONDO ADJUDICATION
Consolidated

vs.

EDUARDO ABEYTA, et al.
and CELSO ARELLANO, et al.

Defendants.

ORDER SPECIFYING RIGHTS FOR INCLUSION IN INTERIM ORDER

This Order is entered *sua sponte* to guide the completion of the adjudication of the individual, non-federal water rights within the Rio Hondo/Rio Pueblo de Taos stream systems. It is part of a continuing effort on the part of the Special Master to produce an accurate and comprehensive Interim Order describing non-federal water rights claims in this case.

The Court finds:

1. The Interim Order will not include every water right in the Rio Hondo/Rio Pueblo de Taos stream systems; consequently, a precise definition of which rights will be included in, and which rights will excluded from, the Interim Order should be documented in the record.

2. This matter was fully discussed at working sessions held March 10, 2008, and January 21, 2009, with the Special Master, counsel for the State of New Mexico, ex rel. State Engineer (State) and the Taos Valley Acequia Association (TVAA), and the Court's data manager. Following extensive work by the data manager and involved counsel, agreement on the scope of the Interim Order was reached. Counsel for the State and the TVAA concur with the scope of water rights to be included in this Interim Order as set forth below.

Being fully advised in the premises,

IT IS ORDERED, therefore, that the scope of water rights to be included in the forthcoming Interim Order is as follows:

1. All adjudicated irrigation water rights¹ no matter the water source
2. All adjudicated surface water rights no matter the use
3. All Mutual Domestic Water Consumers Association rights
4. The following adjudicated miscellaneous surface and groundwater rights:
 - a. Rio Hondo: Y-1, Y-2, Y-3, Y-4, Y-5, Y-6, Y-7, Y-8, Y-9, Y-11, Y-13, Y-14, Y-15, Y-17, Y-18, Y-19, Y-20, Y-22, Y-23, Y-24, Y-25, Y-32, Y-35 and 5.14
 - b. Rio Grande del Rancho: RG-64495 and RG-76050-CLW
 - c. Rio Pueblo de Taos: 20.6, 20.83A & 20.84A, 20.83B, RG-18880, RG-40450-S and RG-40450-S2, RG-64494, RG-2183 & RG-2184, RG-1828, RG-7339 and RG-91404.

IT IS FURTHER ORDERED that the following will be excluded from the forthcoming Interim Order:

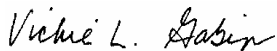
1. No-source, no-right irrigation claims from the Supplement A hydrographic survey (see June 19, 2008 Order for comprehensive list, #5099)
2. The following adjudicated domestic groundwater rights in the Rio Hondo: Y-10, Y-12, Y-16, Y-21, Y-26, Y-27, Y-28, Y-29, Y-30, Y-31, Y-33 and Y-34.

IT IS SO ORDERED.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

¹Both rights confirmed and rights denied